

The York County Board of Commissioners met according to law on March 23, 2010 at 9:44 a.m. as per notice in the York News Times on March 18, 2010, with Augustus M. Brown, Jr. presiding, with Steve Neujahr, Eugene Bergen, Kurt Bulgrin and Patricia Bredenkamp. Also present were Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York News Times; Bill Bamesberger and Jim Klute.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted outside the door along with a copy in the back of the Board room. Proof of publication was also available.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

Moved by Bulgrin, seconded by Bredenkamp to approve the minutes for March 9, 2010 Board of Commissioners meeting as presented; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr, and Brown; nays, none; motion carried.

Moved by Neujahr, seconded by Bergen to adopt the agenda for the Board of Commissioners for Tuesday, March 23, 2010 as presented; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin, and Brown; nays, none; motion carried.

The Board reviewed a General Assistance claim:

Moved by Neujahr, seconded by Bergen to approve General Assistance Case #10-12 for rent payable to Gary Groteluschen (landlord) in the amount of \$315.00; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

Moved by Bredenkamp, seconded by Bulgrin to approve General Assistance Case #10-13 for rent payable to Gary Groteluschen (landlord) in the amount of \$380.00; roll call: yeas, Bredenkamp, Bulgrin, Bergen, Neujahr and Brown; nays, none; motion carried.

The Board reviewed the payroll and vendor claims.

Moved by Bulgrin, seconded by Neujahr to approve the payroll and vendor claims including the bills from Mason Electric and Conner Roofing Company with those bills coming out of the Courthouse Fund; roll call: yeas, Bulgrin, Neujahr, Bredenkamp, Bergen and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Aging	Bag N Save	Supplies	417.91
Rd	Baum Hydraulics Corp	Repair Parts	110.03
Gen	Samuel Bethune	Mileage	64.00
Gen	Blue Knight Security, Inc.	Security Contract	1,080.00
Gen	Marjorie Braman	Retirement	11.00
Rd	Car Parts Inc.	Shop Supplies	71.35
Rd	CCP Industries Inc.	Shop Supplies	231.27
Gen	Central Nebraska Tourism	Building Maintenance	322.12
Visitors Prom	Chances R Restaurant & Lounge	Meals	10.00
Gen	Gary Charlton	Retirement	11.00
Gen	Claritus	Supplies	44.38
Cnty Bldg	Conner Roofing Co., Inc.	Building Maintenance	850.00
Data Proc	Cornerstone Bank	Data Proc Equipment	61.50
Gen	Cornerstone Insurance Group	Dues	50.00
Rd	Cornhusker Cleaning Systems Inc.	Shop Tools	377.98
Rd	Cross-Dillon Tire	Tire Repair	308.00
Gen	Des Moines Stamp Mfg Co	Office Supplies	306.75
Gen	Douglas County Sheriff	Court Costs	18.53
Gen, Rd, Aging, Emer Mgmt	Eakes Office Plus	Office Supplies	1,388.86
Rd	Farm Plan	Repair Parts	267.51
Rd	Fastenal Industrial & Const Supply	Repair Parts	82.13
Gen	Fillman Law Offices	Attorney Fees	2,235.00
Gen	Fillmore County Sheriff	Court Costs	24.56
Rd	Filter Care	Repair Parts	132.30
Gen	First Concord Benefits Group, LLC	Insurance	3,904.84
Gen	Galls, An Aramark Company	Uniform Allowance	41.98
Gen	Denise Glassburner	Witness Fees	20.00
Aging	Grand Central Foods	Supplies	9.00
Gen	Great Plains Pest Management, Inc.	Building Maintenance	56.00
Gen	Hamilton County Sheriff’s Dept	Court Costs	19.00
Gen	Harry Hecht	Retirement	16.00
Gen	Home Care Plus	Medical-Prisoners	57.00
Gen	Hometown Leasing	Equipment Rental	362.00
Rd	Inland Truck Parts & Service	Repair Parts	2,025.71
Rd	Jackson Services Inc.	Shop Supplies	116.35
Gen, Rd	JEO Consulting Group, Inc.	Engineering	3,359.50
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	844.22

Gen	Eileen Krumbach	Mileage	112.00
Gen	Lancaster County Sheriff	Court Costs	63.89
Rd	Lichti Bros Oil Co Inc.	Fuel	16,492.50
Gen	Light and Siren	Equipment	1,191.60
Rd	Linweld, Inc.	Repair Parts	209.91
Cnty Bldg	Mason Electric	Building Maintenance	3,884.90
Rd	Medical Enterprises, Inc.	Safety Equipment	29.90
Gen	Jessica L. Milburn	Court Costs	2,685.00
Gen	Monroe Systems For Business	Office Equipment	297.00
Gen	Ne County Assessor's Assoc.	Dues	100.00
Gen	Ne Dept of Motor Vehicles	Court Costs	4.00
State Inst	Ne Health and Human Services	February 2010	336.00
Gen	Ne Secretary of State	Registration	60.00
Gen, Rd	NMC Exchange LLC	Grader Blades	6,094.48
Aging	Anita Norquest	Reimbursement	27.26
Gen	North Office Supply	Office Supplies	20.99
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	405.00
Rd	O'Reilly Auto Parts	Shop Supplies	12.58
Rd	Overland Sand & Gravel Co	Gravel	2,353.61
Gen	Paper Tiger Shredding	Shredding Service	35.00
Gen	Betsy Patrie	Court Costs	20.00
Gen	Perennial Public Power District	Electricity	13.34
Gen	Gerald Peterson	Mileage	123.00
Rd	Platte Valley Communications	Radio Repair	8.50
Rd	Power Plan	Repair Parts	271.99
Gen	Kevin Radcliff	Witness Fees	20.00
Rd	Rasmussen Auto Parts	Repair Parts	86.05
Gen	Redfield & Company, Inc.	Office Supplies	122.00
Gen	Melvin Reetz	Retirement	12.00
State Inst	Region V Systems	EPC Billing	330.00
Rd	Sahling Kenworth Inc.	Repair Parts	512.58
Gen	Don Sandman	Mileage/Meals/Lodging	387.96
Rd	Schlegelmilch Plumbing & Well Serv	Labor	228.37
Rd	Seward Electronics	Radio Repair	50.60
Rd	Source Gas Distribution LLC	Repairs	238.15
Gen	Stahr and Associates	Plan & Zone	1,700.00
Data Proc	State of Ne Das Central Finance	Data Proc Equip	48.25
Gen	State of Ne-DHHS Licensure Unit	Medical-Prisoners	18.00
Gen	Bruce Stephens	Attorney Fees	918.00
Rd	Tietmeyer Machine	Repair Parts	133.34
Rd	United Farmers Cooperative	Fuel	19,980.90
Gen	United States Post Office	Postal Services	309.60
Gen	Verizon Wireless Services LLC	Telephone Service	172.04
Rd	Village of McCool Junction	Water/Sewer	34.50
Rd	Weldon Industries, Inc.	Repair Parts	361.32
Gen	West Payment Center	Consulting Fees	131.50
Gen	Eric J Williams	Attorney Fees	847.50
Gen, 911, Aging, Relief, Rd	Windstream Communications	Telephone Service	3,114.99
Gen, Weed	York County Highway Dept.	Fuel	2,992.58
Gen	York County Sheriff	Court Costs	1,365.10
Gen, Rd, Drug Test	York General Hospital	Drug & Alcohol Test	687.50
Gen	York Medical Clinic PC	Medical-Prisoners	120.94
Aging	York News-Times	Publication	6.92
Gen	York Printing Company, LLC	Office Supplies	382.70
Aging	York Wholesale Company	Program Supplies	16.70
Gen	Gary Zoubek	Mileage	170.00

Through the budget, the Courthouse Building Fund is funded by way of transfer from the General Fund. It is necessary at this time to transfer \$10,000.00 in order to meet obligations.

Moved by Neujahr, seconded by Bergen to adopt Resolution #10-12 transferring \$10,000.00 from the Miscellaneous General Fund to the Courthouse Building Fund; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

#### **RESOLUTION #10-12**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 23rd day of March, 2010, and discussed the fact that in the proposed budget for 09-10, the Courthouse Building Fund would be funded by way of interfund transfer from the Miscellaneous General Fund; and

WHEREAS, at this time it is necessary to transfer proposed budgeted funds in order to meet obligations in the amount of \$10,000.

NOW THEREFORE BE IT RESOLVED, that the York County Treasurer shall transfer the sum of \$10,000.00 budgeted dollars from the Miscellaneous General Fund to the Courthouse Building Fund for the budget year of 2009-2010.

Dated this 23rd day of March, 2010.

Name badges were again discussed. It was found that each department/office should make their own decision on whether or not to require badges.

Moved by Bulgrin, seconded by Neujahr that York County Board authorize the departments to purchase name badges for their employees if they want to do so; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

After discussion, it was determined that each elected official/department head has the right to determine the protocol for their office, therefore, Bulgrin withdrew his motion and Neujahr withdrew his second. The Board thanked Gary Petersen for his time and for looking into the production of county name badges.

New information is being obtained by the County Treasurer regarding the internet connection to the Courthouse. She asked that the matter be tabled until the next meeting.

Moved by Neujahr, seconded by Bulgrin to table action on internet service for the courthouse until next meeting; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The contract which the county has with Maximus for cost recovery on Child Support was reviewed. A proposal was received from Sequoia Consulting Group. Sequoia stated that they could do the work for approximately 20% less.

Moved by Bulgrin, seconded by Bergen to table the decision to act on the contract with Maximus Cost Allocation plan until a future board meeting; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

Gary Petersen, Emergency Manager came before the Board regarding a Disaster Declaration from December 22 through January 8.

Moved by Neujahr, seconded by Bergen to adopt Resolution #10-13 ratifying the disaster declaration for York County which was a result of the Spring Thaw and Snow Melt beginning on March 1, 2010.

#### **RESOLUTION #10-13 DISASTER DECLARATION**

York County has suffered from a SPRING THAW AND SNOW MELT beginning on Monday, March 1, 2010, causing severe damage to public roads and right of way, and endangerment of the health and safety of the citizens of York county which includes the villages, cities and rural areas within the disaster area.

Therefore, the Chair of the York County Board of Commissioners has declared a state of emergency authorized under Nebraska State Statute R.R.S. 81-829.50 on behalf of York County and will execute for and on behalf of York County, the expenditure of emergency funds from all available sources, the invoking of mutual aid agreements, and the applying to the State of Nebraska for assistance from the Governor's Emergency Fund and any other resources he/she deems necessary in the fulfillment of his/her duties.

Dated this 18<sup>th</sup> day of March, 2010.

The Board met with Tim Sieh regarding his resignation as York County Attorney which is to take effect April 23, 2010.

Moved by Bulgrin, seconded by Neujahr to accept the resignation of the York County Attorney, Timothy Sieh effective April 23, 2010; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board thanked him for his service.

A letter was received from O'Keefe Elevator, recommending the installation of a microlight on the hydraulic passenger elevators located in the building. Currently, they are equipped with mechanical safety edges that require contact be made before the elevator car doors will reopen. For safety purposes, they recommend that these safety edges be replaced with modern microlight full door infrared protection devices. The cost of updates would be \$2,348.00 per elevator.

Moved by Neujahr, seconded by Bulgrin to table it until a future date; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board tabled revisions to the Bylaws for the York County Aging Services until a future date as it was determined that a public meeting notice be made.

There are three (3) projects which the County is working on which are federal aid transportation projects. These require that the County name a Responsible Charge (RC) to oversee the pre-construction and construction phases of these projects.

Moved by Bulgrin, seconded by Neujahr to adopt Resolution #10-14 appointing Don Robb, Highway Superintendent as Responsible Charge (RC) for project #BRO-7093 (23) which is Bradshaw Southeast; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

#### **DISCLAIMER APPLICABLE TO THE LPA RESOLUTION DESIGNATING RC**

The following is a resolution drafted by the Nebraska Department of Roads (NDOR) that includes definitions and substantive commitments required of a Local Public Agency (LPA) when designating a public employee to be in Responsible Charge (RC) of a Federal-aid transportation project. This sample resolution should only be used after the LPA has thoroughly reviewed all Federal-aid program requirements, investigated all issues related to the LPA's statutory duties and responsibilities, and determined that it is in its best interest to designate a RC public employee and to undertake a Federal-aid project. NDOR has not made any effort to investigate, or include in this sample resolution, the other requirements that the LPA must meet in order to undertake a project of this type or to designate a RC. **Any changes to the definitions or the substantive commitments of this sample resolution shall be approved in advance in writing by NDOR, or such changes will be considered null and void.** The LPA is ultimately responsible for all language used in its actual resolution and in making sure that the resolution is accurate and complete and meets all requirements of Federal, State and local laws, rules, regulations, policies and guidelines, and the NDOR LPA Guidelines Manual for Federal-aid Projects.

**RESOLUTION #10-14  
(DESIGNATING RC)**

York County Board of Commissioners

**Whereas:** York County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a "Responsible Charge" (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

**Whereas:** the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

**Fully qualified** means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

**Full-time public employee** means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee's non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

**Public employee** means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

**Responsible charge** means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

**Be It Resolved:** by the Board of Commissioners of York County that:

Don Robb, Highway Superintendent is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number BRO-7093 (23),

NDOR Control Number 41634,

**BRADSHAW SOUTHEAST**

York County assures and agrees that:

- 1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 2) The RC is a full-time public employee.
- 3) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.

- 5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 6) It will provide necessary office space, materials and administrative support for the RC.
- 7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
- 8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
- 9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
- 12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

York County understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- f) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Dated this 23<sup>rd</sup> day of March, 2010.

Moved by Bergen, seconded by Bulgrin to pass Resolution #10-15 for BRO-7093 (19) Bradshaw Northeast designating Don Robb, Highway Superintendent as RC; roll call: yeas, Bergen, Bulgrin, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

#### **DISCLAIMER APPLICABLE TO THE LPA RESOLUTION DESIGNATING RC**

The following is a resolution drafted by the Nebraska Department of Roads (NDOR) that includes definitions and substantive commitments required of a Local Public Agency (LPA) when designating a public employee to be in Responsible Charge (RC) of a Federal-aid transportation project. This sample resolution should only be used after the LPA has thoroughly reviewed all Federal-aid program requirements, investigated all issues related to the LPA's statutory duties and responsibilities, and determined that it is in its best interest to designate a RC public employee and to undertake a Federal-aid project. NDOR has not made any effort to investigate, or include in this sample resolution, the other requirements that the LPA must meet in order to undertake a project of this type or to designate a RC. **Any changes to the definitions or the substantive commitments of this sample resolution shall be approved in advance in writing by NDOR, or such changes will be considered null and void.** The LPA is ultimately responsible for all language used in its actual resolution and in making sure that the resolution is accurate and complete and meets all requirements of Federal, State and local laws, rules, regulations, policies and guidelines, and the NDOR LPA Guidelines Manual for Federal-aid Projects.

#### **RESOLUTION #10-15 (DESIGNATING RC)**

**Whereas:** York County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

**Whereas:** the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

**Fully qualified** means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

**Full-time public employee** means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

**Public employee** means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

**Responsible charge** means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA’s point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner’s interests in the delegated technical tasks.

**Be It Resolved:** by the Board of Commissioners of York County that:

Don Robb, Highway Superintendent is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number BRO-7093 (19),

NDOR Control Number 41388,

**BRADSHAW NORTHEAST**

York County assures and agrees that:

1. It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
2. The RC is a full-time public employee.
3. The RC is fully qualified and has successfully completed required training to serve as a RC.
4. It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
5. It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
6. It will provide necessary office space, materials and administrative support for the RC.
7. It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
8. It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
9. It will take all necessary actions and make its best good faith efforts to ensure that the RC’s work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
10. It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
11. It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
12. It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

York County understands that the following are the duties of the RC:

- A. Serve as the LPA’s contact for issues or inquiries for Federal-aid projects assigned by the LPA;

- B. Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- C. Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- D. Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- E. Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- F. Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA’s governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- G. Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- H. Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- I. Properly serve as the owner’s representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- J. Ensure that proper construction management processes have been developed and implemented for the project;
- K. Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- L. Attend all required training including the annual workshop; and
- M. Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Dated this 23<sup>rd</sup> day of March, 2010.

Moved by Bredenkamp, seconded by Neujahr to pass Resolution #10-16 to designate Don Robb as the RC for Project No. STPE 2690 (3) Lushton Northeast; roll call: yeas, Bredenkamp, Neujahr, Bergen, Bulgrin and Brown; nays, none; motion carried.

**DISCLAIMER APPLICABLE TO  
THE LPA RESOLUTION DESIGNATING RC**

The following is a resolution drafted by the Nebraska Department of Roads (NDOR) that includes definitions and substantive commitments required of a Local Public Agency (LPA) when designating a public employee to be in Responsible Charge (RC) of a Federal-aid transportation project. This sample resolution should only be used after the LPA has thoroughly reviewed all Federal-aid program requirements, investigated all issues related to the LPA’s statutory duties and responsibilities, and determined that it is in its best interest to designate a RC public employee and to undertake a Federal-aid project. NDOR has not made any effort to investigate, or include in this sample resolution, the other requirements that the LPA must meet in order to undertake a project of this type or to designate a RC. **Any changes to the definitions or the substantive commitments of this sample resolution shall be approved in advance in writing by NDOR, or such changes will be considered null and void.** The LPA is ultimately responsible for all language used in its actual resolution and in making sure that the resolution is accurate and complete and meets all requirements of Federal, State and local laws, rules, regulations, policies and guidelines, and the NDOR LPA Guidelines Manual for Federal-aid Projects.

**RESOLUTION #10-16  
(DESIGNATING RC)**

York County Board of Commissioners

**Whereas:** York County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

**Whereas:** the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

**Fully qualified** means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

**Full-time public employee** means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

**Public employee** means a person who is employed solely by a county, a municipality, a political subdivision; a Native

American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

**Responsible charge** means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

**Be It Resolved:** by the Board of Commissioners of York County that:

Don Robb, Highway Superintendent is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number STPE-2690 (3),

NDOR Control Number 42372,

**LUSHTON NORTHEAST**

York County assures and agrees that:

1. It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
2. The RC is a full-time public employee.
3. The RC is fully qualified and has successfully completed required training to serve as a RC.
4. It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
5. It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
6. It will provide necessary office space, materials and administrative support for the RC.
7. It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
8. It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
9. It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
10. It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
11. It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
12. It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

York County understands that the following are the duties of the RC:

- A. Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- B. Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- C. Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- D. Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- E. Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- F. Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- G. Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- H. Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- I. Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- J. Ensure that proper construction management processes have been developed and implemented for the project;
- K. Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- L. Attend all required training including the annual workshop; and

M. Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Dated this 23<sup>rd</sup> day of March, 2010.

Committee reports were given.

Bids were opened at 11:00 a.m. as published in the York News Times on March 8 & 15, 2010 for a Melroe Skid loader. Bids were received from:

York Equipment Inc. for a S250 Bobcat Skid-Steer Loader; \$46,046.20 with trade in of \$44,346.20 for a total of \$1,700.00 (a special application door is an \$800.00 extra)

Plains Power & Equipment submitted a bid for a 326D Skid Steer Loader in the amount of \$32,000.00 with a trade in of \$29,000.00 for a total of \$3,000.00.

They also included a bid for a used 0325 Skid Steer in the amount of \$30,500.00 with a trade in of \$29,000.00 for a total of \$1,500.00.

Highway Superintendent Robb recommended that the Board go with the Bob Cat as it is the least expensive of the two and to include the special door application for a total of \$2,500.00.

Moved by Bulgrin, seconded by Neujahr to accept the bid from York Equipment for the Bob Cat for \$2,500.00; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Neujahr to go into executive session with Norm Dickey, Randy Dickes, Union Personnel, Don Robb, Tim Sieh and the Board of Commissioners at 11:25 a.m. to protect the reputation of an employee; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Neujahr to come out of executive session at 11:45 a.m. where no action was taken; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Brenda Scavo, County Treasurer submitted the Fund Balances for February 28, 2010.

General	\$537,946.57
Road	\$493,313.27
JV Diversion	\$6,566.35
Data Processing	\$2,262.61
Unemployment Security	\$10,305.22
Area on Aging	\$38,178.76
Relief & Medical	\$25,115.72
State Institutions	\$16,100.42
Busy Wheels	\$7,554.08
STOP	\$11,139.06
Drug Testing	\$5,392.02
Dept Service	\$251,458.21
Inheritance Tax	\$1,519.069.06
Emergency Mgmt	\$31,092.99
Law Enforcement Op	\$25,139.98
Courthouse Bldg	\$4,734.98
Handicapp Access.	\$8,190.36
Noxious Weed	\$34,342.00
Ambulance	\$81,528.56
911 Emergency	\$54,464.69
CDBG	\$1,787.40
County Visitors Impr	\$166,641.89
Visitors Promotion	\$28,223.76

The Chairman declared the meeting adjourned at 11:47 a.m. The next meeting will be April 6, 2010 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

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Augustus M. Brown Jr. Chairman  
York County Commissioners

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Cynthia D. Heine, County Clerk  
York, Nebraska